

ORIGINAL

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8 **RECEIVED**
9 Counsel for Defendant BARRETT

10 JUN - 8 2005

11 RICHARD M. HAYING
12 CLERK, U.S. DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE

15 THE UNITED STATES DISTRICT COURT
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA

17 SAN JOSE DIVISION

18 UNITED STATES OF AMERICA,

19) No. CR 05-00077 JW

20 Plaintiff,

21) STIPULATION TO CONTINUE
22) BRIEFING SCHEDULE AND HEARING
23) DATE ON DEFENSE MOTION;
24) STIPULATION TO EXCLUDE TIME;
25) [PROPOSED] ORDER

26 v.

27 MICHAEL BARRETT,

28) Defendant.

29
30 Defendant and the government, through their respective counsel, hereby stipulate that,
31 subject to the Court's approval, the briefing schedule for remaining briefs on defendant's
32 pending motion should be re-set, and that the hearing date on the motion should be moved from
33 June 20, 2005, to August 22, 2005, at 1:30 p.m., or as soon thereafter as the hearing may be set.
34 The grounds for the continuance are the following: (1) government counsel will be unexpectedly
35 unavailable for personal reasons during the next week, and possibly for a longer period of time;
36 and (2) defense counsel will be unavailable during the last three weeks of July while participating
37 in a two-week training program in Georgia and taking a one-week vacation. Defendant Michael
38 Barrett is presently residing in a residential drug treatment facility and has no objection to the
39 continuance.

40 STIPULATION TO CONTINUE BRIEFING
41 SCHEDULE AND HEARING DATE
42 No. CR 05-00077 JW

1 The parties further agree that time should be excluded under the Speedy Trial Act because
2 the ends of justice outweigh the defendant's and the public's need for a speedy trial.

3 The parties hereby agree to the following schedule:

4 Filing date for government's opposition brief: July 25, 2005

5 Filing date for defendant's reply brief, if any: August 1, 2005

6 Hearing date on defendant's motion: August 22, 2005.

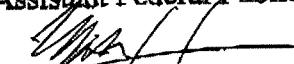
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8 Dated: 6/8/05


LARA S. VINNARD
Assistant Federal Public Defender

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10 Dated: 6/8/05


MATTHEW HARRIS
Assistant United States Attorney

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IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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SAN JOSE DIVISION

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UNITED STATES OF AMERICA,

No. CR 05-00077 JW

12

Plaintiff,

[PROPOSED] ORDER CONTINUING
BRIEFING SCHEDULE AND HEARING
DATE AND EXCLUDING TIME

13

v.

)

14

MICHAEL BARRETT,

)

15

Defendant.

)

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The parties have stipulated to re-set the briefing schedule for remaining briefs on defendant's pending motion, and to continue the hearing date on the motion, on grounds that government counsel is unexpectedly unavailable at this time, and defense counsel will be unavailable for three weeks in July. The parties stipulate to continue the hearing date on the motion to August 29, 2005, at 1:30 p.m.

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GOOD CAUSE APPEARING, the Court hereby sets the following schedule:

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Filing date for government's opposition brief: July 25, 2005

24

Filing date for defendant's reply briefs, if any: August 1, 2005

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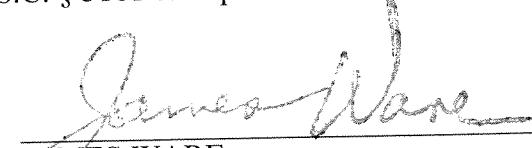
Hearing date on defendant's remaining motions: August 29, 2005.

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ORDER CONTINUING BRIEFING SCHEDULE
AND HEARING DATE
No. CR 05-00077 JW

1 Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time
2 from June 20, 2005, to August 29, 2005, be excluded from the period of time within which trial
3 must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

4 IT IS SO ORDERED.
5 Dated: 6/10/05


6 JAMES WARE
7 United States District Judge.....
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1 Distribute to:

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